

Message Text

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PAGE 01 MOSCOW 08948 111837Z

51

ACTION PPT-02

INFO OCT-01 EUR-25 ISO-00 PA-04 PRS-01 USIA-15 VO-03 SCA-01

SCS-03 SY-04 FBIE-00 SAJ-01 INR-10 CIAE-00 NSAE-00

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P 111559Z JUN 74

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 9731

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E.O. 11652: NA

TAGS: CGEN SREF (HOXSEY, DEAN CORNELIUS)

SUBJECT: HOXSEY CASE

REF:STATE 121151, 108681; MOSCOW 7688

1. AS DEPT IS AWARE THERE IS INTEREST IN HOXSEY CASE AMONG AMERICAN PRESS CORPS IN MOSCOW. IF QUERIED ABOUT CASE, EMBASSY PLANS TO REPLY ALONG FOLLOWING LINES:

2. Q: HAVE THERE BEEN ANY NEW DEVELOPMENTS IN THE HOXSEY CASE?

A. THER HAVE BEEN NO NEW DEVELOPMENTS IN HIS SOVIET EXIT VISA CASE. WE UNDERSTAND THAT HE RETURNED TO VOLGOGRAD, AND THAT HIS MOTHER IS SENDING A VYZOV (INVITATION) WHICH HE WOULD NEED IN ORDER TO APPLY FOR A SOVIET EXIT VISAS AS A SOVIET CITIZEN UNDER SOVIET LAW.

3. Q: HAVE THERE BEEN ANY DEVELOPMENTS IN HIS US CITIZENSHIP CASE? HAVE YOU DETERMINED WHETHER HE IS A US CITIZEN?

A. WHEN HE WAS IN THE EMBASSY MAY 15 HE APPLIED FOR REGISTRATION AS A US CITIZEN. THAT APPLICATION, WHICH WAS SUBMITTED TO THE DEPT OF STATE, WAS REFUSED ON GROUNDS THAT IT APPEARS HE LOST HIS US CITIZENSHIP IN 1957 UNDER SECTION 349 (A)(1) OF THE IMMIGRATION AND NATIONALITY ACT BY OBTAINING NATURALIZATION
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PAGE 02 MOSCOW 08948 111837Z

AS A SOVIET CITIZEN UPON HIS COWN APPLICATION AS AN ABULT.

HOWEVER, THE PROCESSING OF HIS LOSS-OF-OF-US-CITIZENSHIP CASE HAS NOT BEEN COMPLETED. THERE IS AN OPPORTUNITY FOR APPEAL.

4. Q: IF HE IS NOT A US CITIZEN, WHAT HAPPENS THEN? CAN HE STILL GO TO THE UNITED STATES?

A: HE COULD APPLY THROUGH THE EMBASSY TO GO TO THE US AS AN ALIEN. THE EMBASSY WOULD GIVE HIS APPLICATION PROMPT AND SYMPATHETIC CONSIDERATION, AND DO WHAT IT COULD TO PERMIT HIM TO BE REUNITED WITH HIS FAMILY IN THE UNITED STATES.

5. Q: AS A SELF-PROCLAIMED FORMER COMMUNIST, WOULDN'T HE BE INELIGIBLE FOR A US VISA UNDER SECTION 212(A)(28) OF THE US IMMIGRATION AND NATIONALITY ACT?

A: HE HAS NOT APPLIED FOR A VISA AND IT WOULD BE PREMATURE TO SPECULATE ABOUT THAT. HOWEVER, I WOULD REITERATE THAT THE EMBASSY WOULD GIVE HIS CASE SYMPATHETIC CONSIDERATION AND DO WHAT IT COULD TO PERMIT HIM TO BE REUNITED WITH HIS FAMILY IN THE UNITED STATES.

EXEMPT STOESSEL

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